

AFFIDAVIT OF NON-PRODUCTION

**THE STATE OF WEST VIRGINIA
COUNTY OF MARSHALL
DISTRICT OF CLAY**

BEFORE ME, the undersigned, a Notary Public in and for said County, State of West Virginia, on this day personally appeared Merle L. Chaplin and wife, Jean Chaplin, who reside at RR2 Box 230 A, Moundsville, WV 26041, and to me well known to be credible persons and whom, after being by me duly sworn, on his/her oath did state:

Affiants state that they are thoroughly familiar with the following described property located in Marshall County, West Virginia through personal knowledge for more than the past 46 years:

TRACT NO. 1

Beginning at a lynn and beech; thence N. 7° 54' E. 185 feet to a stake; thence N. 6° 42' W. 154 feet to a stake; thence N. 17° 42' W. 95 feet to a stake; thence N. 17° 12' W. 240 feet to a stake; thence N. 37° 48' W. 230 feet to a stake; thence N. 51° 38' W. 228 feet to a stake; thence N. 47° 25' W. 243 feet to a stake; thence N. 39° 51' W. 220 feet to a stake; thence N. 51° 18' W. 380 feet to a stake; thence N. 42° 46' W. 495 feet to a walnut tree; thence N. 69° 6' W. 530 feet to a locust; thence N. 41° 36' E. 530 feet to a stake; thence S. 72° 24' W. 98 feet to a locust stake; thence N. 14° 00' E. 653 feet to a stake where a white oak stood; thence S. 86° 15' E. 660 feet to a stake where a white oak stood; thence S. 70° 15' E. 1716 feet to a stake where a white oak stood; thence N. 6° 43' E. 520 feet to a stake where a sycamore stood; thence S. 80° 15' E. 561 feet to a walnut; thence S. 54° 45' E. 1204 feet to a stake where a poplar stood; thence S. 72° 48' E. 498 feet to a locust; thence S. 67° 54' E. 264 feet to a stake at Grave Creek; thence S. 33° 28' W. 652 feet to a walnut stump; thence N. 81° 24' W. 974 feet to a stake where a poplar and black oak stood; thence S. 34° 36' W. 495 feet to a stake where a hickory and white oak stood; thence S. 7° 21' W. 709 feet to a chestnut oak; thence S. 75° 51' W. 363 feet to a stake where a chestnut oak stood; thence S. 47° 21' W. 478 feet to the place of beginning, containing 143.4 acres.

Being the same property conveyed to Merle L. Chaplin and Jean Chaplin, his wife, from Bernice Hall and William Hall, Sr., her husband, Eugene R. White and Mary Ruth White, his wife, and Thomas E. White, single, by a deed dated May 25, 1971, and recorded June 7, 1971, in the aforesaid Clerk's Office in *Deed Book 420, Page 60*.

TRACT No. 2

Beginning at three lynns, thence N. 14° 00' East, 2152 feet to a locust stake; thence N. 72° 24' East, 98 feet to a stake; thence S. 41° 36' East, 530 feet to a locust; thence S. 69° 06' East 530 feet to a walnut; thence S. 42° 46' East, 495 feet to a stake; thence S. 51° 18' East, 380 feet to a stake; thence S. 39° 51' East, 220 feet to a stake; thence S. 47° 25' East, 243 feet to a stake; thence S. 51° 38' East, 228 feet to a stake; thence S. 37° 48' East, 230 feet to a stake; thence S. 17° 12' East, 240 feet to a stake; thence S. 17° 42' East, 95 feet to a stake; thence S. 6° 42' East, 154 feet to a stake; thence S. 7° 54' West, 185 feet to a lynn and beech; thence S. 67° 09' West, 578 feet to a stake; thence N. 85° 51' West, 795 feet to where a sugar stood; thence S. 72° 54' West, 760 feet to where a birch stood; thence N. 48° 10' West, 346 feet to a stake; thence N. 42° 50' West, 844 feet to the beginning, containing 112.7 acres as per survey of H.T. Hirst in May, 1902.

TRACT NO. 3

Beginning at a point, set a ¾ inch iron pipe on the north side of a 20.00 foot private road, said pipe located N. 54° 00' 47" E. 590.73 feet from a large dead locust found at the end of a line called N. 69° 06' W. 530.00 feet to a locust in Merle Chaplin's deed; thence leaving said road and running with lands remaining to Merle Chaplin the following three courses: N. 28° E. 114.19 feet, set a ¾ inch iron pipe, S. 65° 31' E. 365.85 feet, set a ¾ inch iron pipe, and S. 27° 40' 17" W. 138.40 feet to an 8 inch twin ash on the north side of the aforementioned 20.00 foot private road; thence running with the north side of said roads and lands remaining to Merle Chaplin the following two courses: N. 56° 29' W. 154.17 feet set a ¾ inch iron pipe, and N. 65° 31' W. 212.90 feet to the point of beginning. Containing 1 acre, more or less, as shown on a plat of survey made March 24, 1976, by Ralph N. Eller, Licensed Land Surveyor.

Jan Fest
MARSHALL County 01:43:14 PM
Instrument No 1291893
Date Recorded 09/15/2010
Document Type O&G
Pages Recorded 3
Book-Page 708-428
Recording Fee \$5.00
Additional \$6.00

Affiants state that no operations for or production of oil, gas or other minerals have occurred on any portion of the land described herein in the past five years, nor has there been any production from any lands pooled or unitized with the subject land. No royalty payments or shut-in royalty payments have been received by us in the past five years for the aforesaid lands. Nor have any delay rentals or other payments been received by us in the past five years for any extension of time to drill under the terms of any prior oil, gas and mineral lease(s) covering said land.

Merle L. Chaplin
Merle L. Chaplin

Jean Chaplin
Jean Chaplin

STATE OF WEST VIRGINIA

COUNTY OF MARSHALL

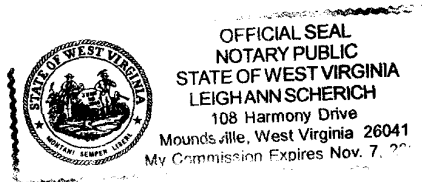
Before me, the undersigned authority, on this day personally appeared Merle L. Chaplin, and Jean Chaplin, husband and wife, and known to me to be the persons whose names are subscribed to the forgoing instrument, and acknowledged to me that they executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 3 day of September, 2010

Leigh Ann Scherich
Notary Public, State of West Virginia

Leigh Ann Scherich
Notary's printed name

My commission expires: 11-7-16



STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 3rd day of September, 2010, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 15th day of September, 2010 at 2010 o'clock P.M.

TESTE: Jan Pest Clerk.